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SUMMARY RECORD OF THE 10th MEETING

Chairman: Mrs. FLORES (Uruguay)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 146: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (A/46/33 and Corr.1, A/48/140-S/25597, A/48/205-S/25923, A/48/209-S/25937, A/48/379-S/26411, A/48/445-S/26501 and A/48/398) (continued)

1. Mr. POLITI (Italy) welcomed the progress achieved by the Special Committee on the Charter at its most recent session. It had come to be generally recognized that the rules governing the functioning of the Organization should be adapted to reflect changes on the international scene. While opinions often diverged over how to achieve that goal, the Committee's work had shown that practical solutions could be found for the preservation of international security and the promotion of the peaceful settlement of disputes.

2. On the subject of the maintenance of international peace and security, the Committee had continued its consideration of the draft document on improvement of the cooperation between the United Nations and regional organizations (A/AC.182/L.72/Rev.1). The question had become increasingly important at a time when regional organizations were called on to play a decisive role in the various regional conflicts creating havoc all over the world. The need to improve cooperation had also been underlined in many important documents: the report of the Secretary-General entitled "An Agenda for Peace", the statements by the President of the Security Council dated 28 January and 26 February 1993, and General Assembly resolution 47/120 B of 20 September 1993.

3. Italy welcomed the fact that the Charter Committee's plenary meetings on the question had been held with the participation of observers from intergovernmental organizations such as the European Community and the Conference on Security and Cooperation in Europe (CSCE).

4. While the latest version of the draft document submitted by the Russian Federation was an improvement over the first one, it none the less contained quite different views on those sectors in which cooperation must be intensified and on the ways and means of ensuring balanced collaboration, while respecting the autonomy of the regional organizations. The Committee should therefore consider all those points at a future date, so as to achieve concrete results in the shortest possible time. In that connection, Italy believed that the Committee should focus its efforts on the adoption of practical guidelines for cooperation between the United Nations and the regional organizations.

5. The question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter had also been considered by the Committee at its most recent session. While there were still certain differences of opinion on many specifics, there was general recognition of the need to establish assistance mechanisms to help States indirectly affected by sanctions. Confident that solutions could be found on the basis of, in particular, resolution 47/120 B, Italy was prepared to work towards the achievement of that goal.

(Mr. Politi, Italy)

6. He thanked the Guatemalan delegation for the improvements it had made in the initial version of the draft articles entitled "United Nations rules for the conciliation of disputes between States" (A/AC.182/L.75), although it believed that the text could be further improved and simplified. When it resumed consideration of the question the Committee could benefit from the experience of CSCE, which had recently adopted a number of important instruments on conciliation and arbitration.

7. With regard to the strengthening of the role of the Organization and enhancement of its efficiency, Italy supported all reforms that would strengthen the ability of the United Nations to take up new challenges. Referring in particular to the reform of the membership of the Security Council, he said that Italy had made its position known to the Secretary-General in June 1993. It proposed the establishment of a third category of members, which would consist of countries able to make a special contribution to achieving the objectives of the United Nations. To that end, objective selection criteria would have to be adopted, taking into account economic factors, human resources, culture and mass communications. Those countries, which would rotate within the Council in pairs, would thereby become semi-permanent members of the Security Council.

8. Mr. YOUSSIF (Sudan) noted that notwithstanding the end of the cold war, the governing bodies of the United Nations were still in the hands of the same Powers. Developing countries still would not be recognized as full-fledged partners in United Nations decision-making, particularly in the Security Council. Yet, their participation in initiatives for the maintenance of peace would help to settle many crises in the world. The Organization could not reasonably be expected to take decisions concerning the maintenance of peace, adopt a framework for cooperation between the United Nations and the regional organizations and consider the revision of the Charter while feigning ignorance of the fact that the Organization's current practices were dictated by the major Powers holding the reins.

9. During the past year, Member States of the Organization had been dismembered and deprived of their right to legitimate defence by virtue of resolutions adopted by the Security Council. Exceeding their mandate, international forces had clashed with populations, particularly in Somalia, thereby becoming the very instrument by which the basic rights of those populations were violated. Recent events had highlighted the acute imbalance that had come to exist between the two main organs of the United Nations: the Security Council had unlimited powers while the General Assembly, the representative of the world's peoples, was relegated to a marginal role. The necessary measures must therefore be taken without delay in order to change the composition of the Security Council, reconsider the question of the right of veto and revise the Provisional Rules of Procedure with a view to achieving transparency, democracy and justice.

10. His delegation had studied the report of the Special Committee (A/43/33 and Corr.1), a faithful reflection of the divergent views about methods of improving cooperation between the United Nations and regional organizations. The inconsistencies in form and content in the text demonstrated the need to rework it. If the decisions on cooperation between the United Nations and the regional organizations were not to become a kind of diktat, the representatives

(Mr. Youssif, Sudan)

of the regional organizations must be given the opportunity to examine the relevant document, present their views and participate in the discussions of the Committee at its next session. More intensive cooperation was certainly desirable, but every effort must be made to ensure that it remained within a framework of complementarity and respect for the autonomy of regional organizations.

11. The disastrous example of Somalia showed that haste offered poor counsel: by intervening before the regional arrangements could be applied, the United Nations had pulled the rug out from under the regional organizations, even though they were in a better position, for cultural, historical and psychological reasons, to understand the conflicts that arose in their own regions.

12. His delegation agreed with the objectives stated in the working paper submitted by Cuba on the strengthening of the role of the Organization in the maintenance of international peace and security (A/AC.182/1993/CRP.2) and in the proposal submitted by the Libyan Arab Jamahiriya with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security (A/AC.182/1993/CRP.1). As the two texts were on the same subject, his delegation proposed that the Committee should consider them together and that the sponsors should amalgamate them into a single working paper to be submitted to the Committee at the next session. Moreover, as those documents partly overlapped with documents submitted to the General Assembly under agenda item 33, the Committee might find it useful to take into account the views expressed by Member States when the General Assembly considered that item.

13. Like other countries, Sudan was still suffering the effects of resolutions adopted by the Security Council in 1991 under Chapter VII of the Charter. It therefore endorsed the working paper entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter" (A/AC.182/L.76/Rev.1). Although his delegation had no doubt that the Security Council would carry out its responsibilities in that area, it considered that the mechanisms proposed came within the competence of the Secretary-General. His delegation was in favour of establishing a permanent mechanism to deal with requests for assistance under Article 50.

14. On that subject, he wished to make the following proposals: to recommend the international financial institutions to give priority to requests for assistance from the countries affected; to promote exports from those countries by lifting restrictions; to urge Member States to provide assistance to affected countries within the context of bilateral relations by offering them credit and other facilities; to ask the Secretary-General to submit an annual report on the status of replies from States Members, in order to gauge the extent of their commitment.

15. He thanked Guatemala for the draft articles entitled "United Nations rules for the conciliation of disputes between States" (A/AC.182/L.75), which

(Mr. Youssif, Sudan)

represented an important contribution to the promotion of preventive diplomacy. He felt, however, that the text could be improved, and hoped that Guatemala would bear in mind the proposals put forward by different delegations.

16. In conclusion, he stressed that at its next session, the Committee would have to deal with a number of extremely important questions including the revision of the Charter, the question of the sovereignty and equality of States, the restructuring of the Council and ways to improve the effectiveness of the General Assembly.

17. Mr. D'ALMEIDA (Togo) noted with satisfaction that the paper submitted by the Russian Federation on cooperation between the United Nations and regional organizations paid special attention to preventive mechanisms and mechanisms for the peaceful settlement of disputes, while stressing preventive diplomacy. In view of the growing number of regional conflicts around the world, it would be very useful to involve the regional organizations more actively in peace-keeping operations and to find new forms of cooperation between those organizations and the United Nations. Such cooperation had been evident in Africa, and tangible results had been achieved in South Africa, Liberia and Rwanda, among others.

18. On more general issues, he said that clear rules should be drawn up to allow for rapid cooperation between the United Nations and the regional organizations. The Organization of African Unity, for its part, had recently created a mechanism for the prevention, containment and settlement of conflicts in Africa. In that connection, he said that a non-aggression pact had been adopted by the 11 States of the Economic Community of Central African States. That instrument provided for recourse in certain cases, before the competent bodies of the OAU and of the United Nations, and envisaged the creation of a body designed to play a more active political role in crisis prevention and management in the subregion.

19. Turning to the question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter, he said that in the view of his delegation, the demands put forward by a number of countries under Article 50 of the Charter were completely justified. Moreover, the collective security system set up under Chapter VII of the Charter would be more effective if States that participated in good faith in a joint action decided upon by the Security Council were assured of receiving assistance from the international community. The proposal on the creation of an effective mechanism to implement Articles 49 and 50 of the Charter in order to compensate for the losses suffered by third countries as a result of the implementation of economic sanctions was acceptable.

20. Mr. CAMACHO (Ecuador) said that the rapid changes that had taken place on the international scene in recent years and the many regional conflicts that had erupted made it necessary to re-evaluate the role of the Organization with a view to enabling it to accomplish its primary purpose, which was to maintain international peace and security and to promote the overall progress of peoples. For that purpose, its principal organs had to be made more representative so that a greater number of Member States might take part in decision-making,

(Mr. Camacho, Ecuador)

particularly in the Security Council. His delegation was therefore in favour of reforming the Council, bearing in mind the increase in the membership of the Organization and the need to enhance its transparency and effectiveness.

21. During the general discussion in the Special Committee, emphasis had been placed on the need to strengthen mechanisms for preventive diplomacy and the peaceful settlement of disputes. His delegation felt that the International Court of Justice had an important role to play in that regard and that, as suggested in the Agenda for Peace, the Secretary-General should be authorized to request advisory opinions from the Court.

22. There was no doubt that cooperation between the United Nations and the regional organizations could definitely contribute to settling the various regional conflicts that had broken out recently. Although his delegation considered that the Russian Federation had submitted a valuable working paper, it felt that it did not take sufficiently into account the existing differences among the various regional organizations. Because of those differences, the types of cooperation to be carried out should be adapted to the specific characteristics of each organization. It was also important to ensure that they retained their competence in specific areas, as well as their basic charters, which reflected the will of the sovereign States that had founded them. Nevertheless, the draft submitted by the Russian Federation provided an excellent basis for future deliberations on the matter.

23. He thanked Guatemala for the revised version of the draft United Nations rules for the conciliation of disputes between States, and hoped that the Special Committee would be able to draw up a set of model rules of conciliation at its next session.

24. Mr. LAVIÑA (Philippines) noted with satisfaction that for the first time, nine intergovernmental organizations had participated as observers in the plenary meetings of the 1993 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

25. Although his delegation realized that all delegations were in favour of improving cooperation between the United Nations and the regional organizations and arrangements, it was nevertheless aware of the complexity of the issue and its ramifications. General principles might be rendered inapplicable or actually contradicted by the actual unfolding of events. In that respect, it was instructive to note the experiences with peace-keeping in Somalia and in the former Yugoslavia. A flexible approach to cooperation was required, bearing in mind the particular conditions in different regions, and care must be taken to ensure that it was solidly grounded in actual experience.

26. The implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, which was the subject of two working papers (A/AC.182/L.76/Rev.1 and L.77), raised important issues not only for the States affected but also for the international community as a whole. The Philippines delegation would follow with interest the way in which the discussion of the item was pursued, not only in the Special Committee but in the Security Council as well. It took the same interested and open-minded attitude towards a number of other working papers

(Mr. Laviña, Philippines)

before the Special Committee, in particular the ones submitted by Cuba (A/AC.182/1993/CRP.2), Libya (A/AC.182/1993/CRP.1), and the Russian Federation (A/AC.182/L.5/Rev.1).

27. The delegation of Guatemala was to be commended for its initiative in proposing draft rules for the conciliation of disputes between States, which would have to be revised in the light of the comments made by several delegations and considered further by the Special Committee at its 1994 session.

28. The Special Committee should assume an increasingly pivotal role in the post-cold-war world, and the Philippines delegation would like to see its work conducted in a spirit of constructive dialogue marked by the avoidance of sterile confrontation and an effort to draft consensus proposals which would make a concrete contribution to the development of international law. Furthermore, in view of the limited resources and time available to it, the Special Committee should organize its deliberations on the basis of clearly defined priorities.

29. Mr. MARTENS (Germany) said that a general agreement had emerged both at the 1993 session of the Special Committee and during the general debate at the forty-eighth session of the General Assembly, in particular with regard to the question of equitable representation in the Security Council and the increase of its membership, with a view to securing a reform of the Charter on its fiftieth anniversary. The Secretary-General had already implemented a number of reforms which had the full backing of the German Government, which was in favour of further strengthening the position of the Secretary-General vis-à-vis the subsidiary bodies and specialized agencies of the United Nations. It was important to make use of the possibilities offered by Article 99, which authorized the Secretary-General to bring to the attention of the Security Council any matters that, in his opinion, might threaten the maintenance of international peace and security, and by Article 96, paragraph 2, under which, in accordance with the suggestion made by the Secretary-General in his report entitled "An Agenda for Peace" (A/47/277-S/24111), he should be authorized to request advisory opinions of the International Court of Justice.

30. The German delegation welcomed the fact that for the first time intergovernmental organizations had participated in plenary meetings of the Special Committee during which the question of cooperation between the United Nations and regional organizations in the maintenance of international peace and security had been considered on the basis of document A/AC.182/L.72/Rev.1. There was no doubt that regional organizations ought to play a larger role in the peaceful settlement of disputes, for the United Nations could not be everywhere at once at a time when conflicts were proliferating not only between States but also within individual countries. The recent exchange of letters on an agreement on a framework for cooperation and coordination between the United Nations Secretariat and the Conference on Security and Cooperation in Europe (CSCE) should be regarded as an important step in the right direction, in the hope that such cooperation between the United Nations, the European Community and the CSCE would succeed in putting an end to the tragic events in the former Yugoslavia. Other regional organizations were also making major efforts, in conjunction with the United Nations, to resolve regional crises and conflicts (the Organization of African Unity in Somalia, the Organization of American

(Mr. Martens, Germany)

States in Haiti, and the Economic Community of West African States in Liberia). However, the important role of regional organizations did not detract in any way from the primary responsibility of the Security Council for the maintenance of international peace and security.

31. Where the composition of the Security Council was concerned, while Germany was prepared to become a permanent member, it nevertheless stressed the need to take into account in the debate on the reform of the Council the growing importance of the third world.

32. The revised draft rules for the conciliation of disputes between States (A/AC.182/L.75) contained a number of improvements, although the text would gain by simplification. It might even be asked whether it was really necessary to add a new text to the many existing instruments concerning conciliation of disputes between States.

33. The question of the economic difficulties facing a number of States as a result of the implementation of sanctions under Chapter VII of the Charter was an extremely complicated one and could only be resolved on a case-by-case basis in accordance with Article 50 of the Charter. Acting alone or in conjunction with its partners in the European Community, Germany had on various occasions provided substantial assistance to States negatively affected by United Nations sanctions.

34. Echoing the opinion stated many times at the 1993 session of the Special Committee and during the general debate at the forty-eighth session of the General Assembly, Germany thought that Articles 53 and 107 of the Charter were obsolete and should be revoked.

35. Mr. KOROMA (Sierra Leone) said that his delegation took a particular interest in the work of the Special Committee, for as a small country Sierra Leone relied on the United Nations for its security and the protection of the human rights of its citizens. The ending of the cold war, which had paralysed the Security Council and impeded the application of the collective-security provisions of the Charter, had unfortunately not coincided with a reduction in the number of conflicts. Today international peace was threatened not only by conventional conflicts between States but also by the conflicts which were destroying nations in Angola, Liberia, Somalia, Bosnia and Herzegovina, etc.

36. The maintenance of international peace and security required the application of the collective-security provisions of the Charter (peacemaking, cooperation with regional arrangements and organizations, preventive diplomacy, early-warning systems, fact-finding, preventive deployment, and demilitarized zones) on the initiative of the Security Council which, as the primary guardian of international peace, ought to give more attention to the prevention of conflicts instead of fielding troops in various theatres of war after conflicts had broken out.

37. The delegation of Sierra Leone thought that the question of the composition of the Security Council should be treated with caution and realism in an effort to make the Council effective while not losing sight of the question of its international legitimacy.

(Mr. Koroma, Sierra Leone)

38. Sierra Leone welcomed the draft declaration submitted by the Russian Federation on the improvement of cooperation between the United Nations and regional organizations in the maintenance of international peace and security (A/AC.182/L.72/Rev.1); the renewed cooperation between the United Nations and African regional organizations, in particular the Organization of African Unity and the Economic Community of Western African States, was also welcome. However, it wished to stress that the primary responsibility for the maintenance of international peace and security rested with the United Nations. Still with reference to the maintenance of international peace and security, Sierra Leone supported the idea of establishing a trust fund to assist third States affected by the application of sanctions imposed by the Security Council (documents A/AC.182/L.76/Rev.1 and A/AC.182/L.77).

39. His delegation, which welcomed the revised text of the draft entitled "United Nations rules for the conciliation of disputes between States" (A/AC.182/L.75), had submitted its own proposal, entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes" (A/48/398), which emphasized prevention, made use of the expertise of respected individuals selected by the parties as conciliators in the broad sense of the term (in other words, negotiators, mediators, conciliators or arbitrators) and would make the process of peaceful settlement of disputes more dynamic. As compared with other dispute settlement mechanisms, the system proposed by Sierra Leone was distinguished by a large measure of operational flexibility. It strengthened the United Nations system by helping to incorporate what previously had been ad hoc dispute settlement procedures into a permanent arrangement. He hoped that the proposal would receive careful consideration during the forty-eighth session, and even more detailed examination at the 1994 session.

40. Miss KETE (Côte d'Ivoire) said the restructuring of the United Nations, the enhancement of the effectiveness of the Organization and the revision of certain provisions of the Charter appeared to be the best approach to fulfilling the purposes and principles of the Charter, i.e., the maintenance of international peace and security, the strengthening of peace in the world and international cooperation.

41. It was necessary to increase the number of permanent members of the Security Council on an equitable regional basis and strengthen the powers of the General Assembly.

42. It was also necessary to revitalize Chapter VIII of the Charter, concerning regional arrangements, in order to achieve closer cooperation between regional organizations and the United Nations in the prevention and settlement of conflicts. Côte d'Ivoire therefore welcomed the revised working paper submitted by the Russian Federation (A/AC.182/L.65/Rev.1), while emphasizing the need to highlight the close relationship that should exist between the United Nations and regional organizations.

43. The expansion of the concept of peace-keeping, which included activities addressing problems that had non-military causes, such as hunger and underdevelopment, should not be diluted through the addition of other subjects that were being considered in specific forums.

(Miss Kete, Côte d'Ivoire)

44. Her country hoped that the necessary political will could be mustered to apply Article 50 of the Charter in an objective manner so as to provide assistance to third States affected by the application of sanctions under Chapter VII of the Charter.

45. With respect to the peaceful settlement of disputes between States, the Organization of African Unity and the Economic Community of West African States had created mechanisms for the prevention, management and settlement of conflicts which were in accord with the goals of preventive diplomacy.

46. Mr. BELLOUKI (Morocco) noted that, given the constant appeals of States and international public opinion to the United Nations, the Organization should have the means to enable it to preserve international peace and security in a world totally different from the one for which it had been created.

47. In that context, the proposals made by the Secretary-General in his "Agenda for Peace" (A/47/277-S/24111) represented an effective tool for establishing peace in the world. Indeed, the Organization would not be able to play its role properly unless its Charter and its structures were adapted to the new realities and unless the necessary resources were made available. The question was therefore one of ensuring greater balance and coordination between the various organs of the Organization and to revitalize the work of the General Assembly, whose role in peace-keeping needed to be more systematic.

48. If the idea of increasing the membership of the Security Council was approved, it would be necessary to find a way for the expanded Council to acquire even greater legitimacy and representativeness.

49. While the maintenance of international peace and security required all members of the international system to join together to protect the world from threats to peace or breaches of the peace, that solidarity should equally apply in cases where a State's fulfilment of an obligation in that regard endangered its political, economic and social stability. Morocco therefore called for the continuation in a constructive spirit of the discussion of measures for the alleviation of difficulties confronted by third States as a result of the application of sanctions.

50. While it was legitimate to encourage States to comply with Security Council decisions, the action taken under Article 50 of the Charter should not be limited to a theoretical acknowledgement that States had been adversely affected which, although useful, did little to lessen their suffering. That article should be interpreted more broadly, in order to achieve practical results. In that regard, the section of General Assembly resolution 47/120 B devoted to the question presented a promising framework which should be used as a basis for taking more practical steps. Morocco hoped that the documents submitted on that subject would make it possible to find a basis for a reasonable and balanced consensus on the question.

51. With respect to the draft declaration on the improvement of cooperation between the United Nations and regional organizations submitted by the Russian Federation (A/AC.189/L.65/Rev.1), Morocco believed that such cooperation should

(Mr. Bellouki, Morocco)

not undermine the effectiveness of mechanisms for the settlement of conflicts which threatened peace and security.

52. While his delegation welcomed the decentralization of international action for the maintenance of peace and security, it considered it necessary to ensure that the international bodies really had the capacity and the resources they needed to play their role effectively.

53. The revised working paper submitted by the Russian Federation concerning new issues for consideration in the Special Committee contained ideas deserving of consideration with a view to shaping an organization capable of strengthening the collective security system. The Special Committee ought to keep an open mind with regard to the ideas proposed and initiate a discussion without prior conditions, so that the exchange of views could focus on ways to improve the tools available to the Organization.

54. In that connection, the flexibility of revised text of the draft "United Nations rules for the conciliation of disputes between States" made it a very good basis for a discussion aimed at creating an effective framework that would expand the array of instruments which offered all possible means for the peaceful settlement of disputes between States. Lastly, Morocco once again reiterated its view that the effectiveness of those instruments depended more on political will than on the legal framework which they would establish.

55. Mr. MADEJ (Poland) said that the Charter of the United Nations continued to play a vital role in international life. Nevertheless, his delegation was prepared to give careful consideration to the proposals made by various States aimed at bringing the structures and machinery of the United Nations into line with the changing international situation and the substantial increase in the number of Members of the Organization.

56. For example, the number of permanent members of the Security Council should be increased so as to include those States which were willing and able to assume the special responsibilities conferred on that body. In so doing, it would first be necessary to ensure that the membership of the Council reflected more accurately that of the Organization as a whole. Second, care should be taken so as not to limit or modify the status of current permanent members, or affect the balance between permanent and non-permanent members. Third, equitable geographical representation of all regions should be guaranteed and, as far as possible, the tried and tested decision-making process of the Council should be maintained. In any case, no proposal relating to the membership of the Council or other structural or organizational aspects of its operations should impair its efficiency.

57. Likewise, some thought should be given to deleting certain archaic provisions from the Charter, for instance those in which the term "enemy State" was used (Articles 53 and 107) and which had not been applicable for many years.

58. Poland attached great importance to the supremacy of international law in international relations and considered that observance of the law must take precedence over every other consideration, particularly in the case of conflicts. For that reason, it endorsed the Secretary-General's recommendation

(Mr. Madej, Poland)

that Member States should recognize the compulsory jurisdiction of the International Court of Justice in that area by the end of the century, and considered it highly desirable that they should withdraw their reservations regarding the jurisdictional clauses of certain treaties.

59. Moreover, a new approach to the peaceful settlement of disputes should be developed, which might combine the traditional means listed in Article 33 of the Charter with others such as peace-keeping or peace-building operations or enforcement measures. Thus the traditional means would retain their importance and flexibility in a new and complex mechanism.

60. In that connection, his delegation saw no reason why the revised text of the draft United Nations rules for the conciliation of disputes between States submitted by Guatemala (A/AC.182/L.75) should not be adopted once the Special Committee had considered it on final reading at its next session, even though some technical or minor editorial amendments would be necessary along the lines suggested by the members of the Special Committee. Once adopted, the rules would serve as a model law or guide for States which, in a given situation, would prefer to resort to conciliation to settle their disputes. It would also be especially useful for regions where the relevant legal instruments were not yet available. It might also serve as the basis for drafting part of a possible new convention on the peaceful settlement of disputes involving conciliation.

61. The issue of cooperation between the United Nations and regional organizations had been raised at the appropriate moment for, while it was true that the Charter of the United Nations conferred the primary responsibility for the maintenance of international peace and security on the Security Council, the unique experience and skills of the regional organizations in the prevention and settlement of regional disputes should be more widely and more frequently used.

62. A better definition of the coordination mechanisms responsible for relations between the Organization and the regional organizations would enable the international community to take more efficient action in response to the challenges of the future and potential threats to international peace and security. However, all such approaches preserve the ultimate coordinating and supervisory role of the Security Council, as well as its decision-making powers.

63. His delegation welcomed the two working papers on the implementation of Article 50 of the Charter which had been submitted to the Special Committee by 19 sponsors (A/AC.182/L.76/Rev.1) and by India and Nepal (A/AC.182/L.77). As one of the States affected by the application of sanctions under Chapter VII of the Charter, Poland considered that further consideration should be given to the idea of providing adequate assistance to States in such circumstances. Those States were entitled to something more than the consultations provided for in Article 50 of the Charter and a general appeal to the international community. For, in so far as the application of sanctions was part of an international mechanism provided for in the Charter and directed by the Security Council, assistance to the States concerned was an international matter and must therefore be considered and resolved as such, based on the principles of the common responsibility of the entire international community and just compensation for losses.

(Mr. Madej, Poland)

64. Article 50 merely drew attention to the existence of a problem and did not propose any solutions. However, any solution must not only preserve the effectiveness and guarantee the full implementation of the sanctions imposed by the Security Council, but also take into account their indirect consequences, namely the economic burden and financial loss entailed for third States.

65. Lastly, the fact that States were affected in different ways by the implementation of the Security Council sanctions and that the circumstances of each case were different, by no means justified any further delay in setting up a mechanism to resolve the issue.

66. Mr. THAM (Singapore) said that the growing interest in the work of the Special Committee showed that it played an important role in seeking ways to maintain international peace and security, settle disputes peacefully and strengthen the role of the United Nations.

67. The Organization would face two main categories of new challenges in the near future. First, the socio-economic challenges of helping marginalized and bankrupt States to recover some degree of economic viability so as to enhance global peace and stability. Second, the political challenges and security problems arising from aggressive forms of ethnic and religious nationalism and from internal civil wars which threatened to destabilize regions and States.

68. His delegation therefore first of all considered that the Security Council, as the body primarily responsible for the maintenance of international peace and security, should focus its attention on the second category of challenges. However, since there was a good deal of overlap between the two categories, the General Assembly might deal with the first category of challenges, through competent bodies such as the Economic and Social Council and the United Nations specialized agencies, with close cooperation between the General Assembly and the Security Council to solve problems relating to their respective spheres of competence. Moreover, a pragmatic approach would be required in order to strike a balance between the respective roles and responsibilities of those two organs.

69. Second, the Security Council must devise new mechanisms to handle the types of problems likely to crop up in future, judging by the current crises in Bosnia, Somalia and Haiti. One important lesson to be learned in that connection was that the permanent members of the Security Council must collectively bear the greater part of the burden of United Nations peace-keeping operations. For that reason, would-be permanent members must be prepared to assume the financial and other peace-keeping responsibilities that went with the status of permanent member.

70. Third, in view of the changing nature of the crises to be resolved, the Council must pay greater attention to the management, command, logistics and training of the peace-keeping troops. All those issues would determine its effectiveness, and until they had been discussed extensively and a consensus had emerged, it would not be possible to decide on the optimum size that would best enable the Council to attain its objectives.

71. It would also be useful if the Council could in some way anticipate possible conflicts, through effective early warning and preventive diplomacy

(Mr. Tham, Singapore)

capabilities. Such considerations pointed to the need for careful reflection on the future composition of the Council.

72. Lastly, the odds were that in a world of nation States where 8 to 10 billion people would compete for increasingly scarce resources, conflicts between States and between internal factions within them would be inevitable. In such conditions, the Council must retain its flexibility. In other words, it should not be expanded to the point where it would become difficult to reach prior agreement concerning action by the Council. Efficiency should not be sacrificed for the sake of representation.

73. Mr. AKRAM (Pakistan) said that he shared the Secretary-General's opinion that the collapse of the cold war structures offered the United Nations a second chance to construct a world system of collective security in the interests of preserving peace. But world peace could only be established if States, big and small, abided by the principles of the Charter, settled their disputes peacefully on the basis of justice and fair play and promoted international cooperation to accelerate economic progress for the developing countries.

74. His delegation supported the Secretary-General's various constructive and far-reaching proposals, contained in his report entitled "An Agenda for Peace" (A/47/277-S/24111) on such important subjects as preventive diplomacy, peacemaking, peace-keeping and peace-building. Specifically, Pakistan supported the Secretary-General's proposal that he should be authorized to seek advisory opinion from the International Court of Justice.

75. Pakistan had accepted the compulsory jurisdiction of the Court and urged other States which had not yet done so, particularly the permanent members of the Security Council, to do likewise. The rule of law in international relations would be promoted by greater recourse to the International Court of Justice, not only in adjudicating legal disputes, but also in rendering advisory opinion on the legal aspects of a dispute. The Court could play a significant role in the collective security system by contributing to the resolution of legal questions. Indeed, the growing recognition of its role in the peaceful settlement of disputes was evident from the fact that in recent years the number of cases filed before it had multiplied.

76. On the question of reforming the Security Council, the Pakistan delegation agreed that the membership of the Council should be enlarged to enhance its representative character. Its procedures should also be made more transparent. The guiding principles for reform should be democracy and the sovereign equality of Member States. Privileged status could not be accorded to those countries which had a record of defying the principles of the United Nations Charter and refusing to implement Security Council resolutions.

77. Moreover, the concept of permanent membership was at variance with the principle of sovereign equality on which the United Nations was based. The inequity inherent in that concept should not be perpetuated, since it would run counter to the growing demand for greater democracy in the United Nations.

78. As to improving cooperation between the United Nations and regional organizations, the revised text of the draft declaration on the improvement of

(Mr. Akram, Pakistan)

cooperation between the United Nations and regional organizations (A/AC.182/L.72/Rev.1), submitted by the Russian Federation, provided a good basis for the work of the Special Committee. However, the activities of the regional organizations should be in conformity with the principles and provisions of the Charter. They should act as instruments for the realization of the objectives of the Charter, not subvert them.

79. Pakistan did not favour any radical changes in the Charter. Although changes had taken place in the world since 1945, care should be taken that in carrying out amendments to the Charter the basic principles of the United Nations were not eroded or called into question. Any amendment to the Charter should be carried out strictly in accordance with the provisions of Article 108. Although there had been occasions when the United Nations had not lived up to its primary responsibility for preserving and maintaining peace and security in the world, that inadequacy could not be attributed to any flaws in the Charter. Responsibility in that regard rested squarely with those States which had failed to abide by its provisions and had refused to honour and implement the decisions of the United Nations. The effectiveness of the United Nations depended primarily on the strict compliance by Member States with the provisions of the Charter. A special responsibility in that regard devolved upon the permanent members of the Security Council, who enjoyed that privileged position because of their greater ability to preserve international peace.

80. Mr. AHMED (India), after outlining the broad categories of the Special Committee's work and the main aspects of the documentation before it, said that the Committee's importance was obvious from the fact that the previous session had been attended by 58 observer States and 9 intergovernmental organizations.

81. The working paper submitted by the Russian Federation on the improvement of cooperation between the United Nations and regional organizations (A/AC.182/L.72/Rev.1) proposed a universal model under which regional organizations would be effective in the prevention of disputes and the maintenance of peace and security in their region, but which also left scope for such security mechanisms as military contingents, police units, peacemaking forces and civilian observers. Although no enforcement action could be undertaken under regional arrangements without authorization from the Security Council, the Council could act as a guarantor of regional security. The working paper seemed to postulate that States should seek to "establish" regional organizations "in accordance with their obligations under the Charter". The legal position of such organizations was contained in Chapter VIII of the Charter, Article 52 of which did not preclude such arrangements. There was therefore neither any obligation to establish regional organizations nor any prohibition against doing so.

82. After listing the main provisions of Article 52, he concluded that the role of regional organizations in peace-keeping remained limited and was subject to the overall discretionary powers of the Security Council. It would not be legally possible to give such organizations more powers in matters of peace and security than those they were already entitled to under the Charter. The functions, powers and structure of an organization in a region would depend entirely on the political will of the Member States establishing it. The level of integration was in turn dependent on the specific geopolitical and other

(Mr. Ahmed, India)

factors obtaining in the region. It was therefore not realistic to envisage a model that applied to all regions and to organizations with such wide-ranging functions as covering nuclear disarmament, protection of human rights (including the rights of minorities), military forces or truce maintenance. All such functions would seem to go beyond the provisions of the Charter and existing practice. For those reasons his delegation was in favour of a cautious approach in the matter.

83. The problem of assisting third States affected by sanctions imposed by the United Nations should be pursued as a matter of urgency. Measures taken to date depended on the political will of countries that were in a position to provide such assistance. There was no mechanism in the United Nations to address the spirit of Article 50 of the Charter effectively and systematically. The two draft resolutions submitted to the Special Committee on the subject were complementary and should be considered together. Any solution to the problem should meet three conditions: a Security Council resolution declaring sanctions should simultaneously establish a fund to provide assistance; the fund should be based on assessed contributions; and the United Nations should assume direct responsibility for providing relief, since the international financial institutions had their own priorities.

84. The Cuban working paper on the strengthening of the role of the United Nations and improving its effectiveness (A/AC.182/1993/CRP.2) contained many useful ideas. A change in the composition of United Nations bodies, including the Security Council, in view of the changed political context and the more than threefold increase in its membership; more democracy and transparency in decision-making by United Nations bodies; an expanded role for the Security Council beyond that provided for in the Charter; an enhanced role for the General Assembly and the Security Council in matters of international peace and security; the expansion of Security Council membership: those were ideas that India and many other developing countries supported.

85. The proposal by Guatemala on rules for the conciliation of disputes between States was exhaustively set out in the annex to document A/AC.182/L.75. But it did not seem that current practice among States revealed a particularly marked interest in conciliation nor that States would be disposed to adopt such detailed rules. The Indian delegation therefore considered that it was not desirable to recommend elaborate rules when parties to a dispute could adopt their own procedure. Other means of conciliation, like good offices and mediation, had to be voluntary and any "rules" should reflect that position. Moreover, they should be flexible, or else they would lose their attraction for parties to a dispute. His delegation therefore wished to put forward the more realistic proposition that a set of broad guidelines should be drawn up.

86. Mr. LE KHAC TRUNG (Viet Nam) said that the Sixth Committee was the appropriate forum for an in-depth discussion of ways to strengthen the role of the United Nations. The new trends in relations among States had provided the United Nations with an unprecedented opportunity to discharge its responsibilities with regard to peace, stability and development. However, nearly half a century had elapsed since the adoption of the Charter, and the time had certainly come to revise and amend it. Moreover, United Nations

(Mr. Le Khac Trung, Viet Nam)

activities over the past few years raised questions as to whether the United Nations system was adapted to the new realities.

87. His delegation believed that the mandates of various United Nations bodies and the functional relationships among them must not only be preserved, but strengthened. The balance between the Security Council, the General Assembly and the Secretary-General must reflect the changes and realities of the contemporary world. While the Council's activities might have increased dramatically, its membership had remained unchanged since 1963, and was less representative than ever before. An increase in its membership and a more equitable representation were therefore needed. A substantive change must also be agreed on in order to ensure respect for the principles of sovereign equality, democracy and transparency in decision-making. If the Council's membership was increased, care must be taken to ensure that the majority's voice was heard when the Council took decisions affecting the entire international community.

88. The working paper on that subject submitted by Cuba (A/AC.182/1993/CRP.2) contained several important proposals. While it was understandable that the document touched on issues which were very sensitive to some States, those issues would have to be resolved sooner or later as part of the democratization and reform of the United Nations. The Cuban paper therefore deserved sufficient time for careful consideration.

89. While the question of assistance to third States affected by Security Council sanctions had been addressed in several forums, including the General Assembly and the Council itself, no progress had been made in resolving it. It was time to establish an appropriate mechanism and a permanent fund to assist States affected by sanctions. In so doing, the United Nations would not only fulfil its responsibility, but would also encourage Member States to cooperate in implementing Security Council decisions.

90. The Vietnamese delegation welcomed the proposal for cooperation between the United Nations and regional organizations submitted by the Russian Federation (A/AC.182/L.72/Rev.1). However, as it raised many issues relating to competence and law, the draft should be considered further. For example, since each organization had its own status, mandate and sphere of competence, cooperation among such organizations must be based on their respective charters and spheres of competence. Moreover, the scope of the document should be clearly defined; cooperation between the United Nations and regional organizations should be limited to the maintenance of international peace and security, and must be in conformity with the provisions of the Charter. Human rights questions should be excluded so as to avoid duplicating the work of the Commission on Human Rights.

91. His delegation wholeheartedly supported the draft submitted by Guatemala concerning the peaceful settlement of disputes between States, which constituted a valuable initiative. It was to be hoped that a final draft would soon be presented for consideration by Member States.

92. Mr. NASIER (Indonesia) welcomed the substantial progress made by the Special Committee on three of the topics before it. With regard to the maintenance of international peace and security, his delegation believed that

(Mr. Nasier, Indonesia)

the revised version of the draft declaration submitted by the Russian Federation (A/AC.182/L.72/Rev.1) provided a firm basis for further deliberations leading to strengthened cooperation between the United Nations and regional organizations. In the regional context, disarmament, security and development formed an indivisible triad and, in many regions, there was a long tradition of cooperation, which had reduced sources of conflict and strengthened regional security. Many instruments of cooperation had been established in the economic, social and cultural fields. The Russian draft reflected an encouraging trend towards coordination between the United Nations and various regional agencies. It was clear that efforts must focus not only on peace-keeping, but also on the social and economic development of various regions. Accordingly, the establishment of working groups and/or contact groups should be considered.

93. His delegation had taken note of the working papers (A/AC.182/1993/CRP.1 and 2) on enhancing the effectiveness of the Security Council. It was time to address the question of the Council's composition and size. While the number of Member States had increased to 184, there had been no proportionate increase in the Council's membership. Indonesia firmly believed that the Council should be enlarged with a view to achieving equity and balance and accommodating new States which might not be given the veto, but should at least serve as permanent members. The choice could be based on a number of criteria, taking into account the political, economic and demographic realities of Asia, Africa and Latin America.

94. The working papers on assistance to States affected by the application of sanctions under Chapter VII of the Charter (A/AC.182/L.76/Rev.1 and L.77) should be given serious consideration. They constituted a firm basis for discussions of that priority question, as well as a means of resolving, in a lasting manner, the problems posed by economic sanctions. In that connection, he drew attention to General Assembly resolution 47/120 B, which dealt with the special economic problems arising from United Nations sanctions. The establishment of a fund financed from voluntary contributions would alleviate the critical difficulties faced by a number of countries as a result of such measures.

95. Mr. DZUNDEV (Former Yugoslav Republic of Macedonia), speaking in exercise of the right of reply and referring to a statement made by the Greek delegation at a previous meeting, said that his delegation was fully entitled to use the constitutional name of his country.

96. Mrs. DASCALOPOULOU-LIVADA (Greece), speaking in exercise of the right of reply, recalled that the Charter imposed on all Member States the obligation of complying with Security Council resolutions. The Council had recognized the dispute to which the name of a Member State had given rise. The State which was continuing to use that name was assuming that the question had been settled in its favour and was acting in defiance of Security Council resolution 817 (1993).

97. Mr. DZUNDEV (Former Yugoslav Republic of Macedonia), speaking in exercise of the right of reply, said that his position remained the same, and invited the Greek delegation to seek the opinion of the United Nations Legal Counsel.

The meeting rose at 6.15 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

SIXTH COMMITTEE
11th meeting
held on
Thursday, 14 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 11th MEETING

Chairman: Mrs. FLORES (Uruguay)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 146: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/48/33 and Corr.1; A/48/140-S/25597; A/48/205-S/25923; A/48/209-S/25937; A/48/379-S/26411; A/48/445-S/26501 and A/48/398)

1. Mr. ERDENECHULUUN (Mongolia1) said that recent international events were cause for both hope and caution. The collapse of a bipolar world had brought sweeping democratic reforms and had facilitated the long-overdue settlement of certain regional conflicts. Yet, it had also unleashed the destructive forces of nationalism and given rise to ethnic and religious conflicts. Amidst those upheavals the United Nations, and with it the Special Committee, had assumed a much greater role in peacemaking, peace-keeping and peace-building.

2. His delegation commended the Russian Federation for preparing the draft document on the improvement of the cooperation between the United Nations and regional organizations (A/48/33, para. 28), which had provided a valuable starting-point for debate. In that connection, his delegation was pleased that several intergovernmental organizations had participated in the Special Committee's discussions on that issue. Mongolia believed that relations between the United Nations and regional organizations should be complementary and based on strict mutual respect for their respective mandates.

3. Assistance to third States affected by the application of sanctions under Chapter VII of the Charter was an issue of great urgency, on which lengthy discussions were being held in the General Assembly and the Security Council. His delegation, in conjunction with 18 others, had submitted to the Special Committee a working paper dealing with that matter (A/48/33, para. 98), which offered one possible solution to a highly complex matter for which a mutually acceptable solution would have to be found.

4. Guatemala deserved congratulations for submitting at the Special Committee's 1993 session a more flexible and concise version of the draft United Nations rules for the conciliation of disputes between States (A/48/33, para. 122). At its next session the Special Committee should endeavour to finalize the draft rules which, in his country's view, should take the form of model rules.

5. Mongolia fully supported efforts to restructure and revitalize the activities of the principal organs of the United Nations. His delegation attached particular importance to the issue of Security Council membership. It favoured a limited increase in the permanent and non-permanent membership in order to reflect both global changes and the dramatic rise in the Organization's membership. Any increase in the Security Council's membership would ensure a more balanced and just regional representation and would make the Council's work more efficient and more effective. The veto power of the permanent members could not, at the current stage, be eliminated, but that privilege should not be granted to any new members. Moreover, full consideration should be given to limiting the scope of application of the veto and to requiring support by two members of the Council for any veto to take effect. Generally speaking, the Council could be made more effective by introducing broader and substantial

(Mr. Erdenechuluun, Mongolia)

consultations with the rest of the Organization's membership, more transparency in its work and an effective working relationship with the General Assembly.

6. Strict, consistent and uniform application of the Charter was the main prerequisite for strengthening the role of the Organization. The Charter, like every written constitution, could certainly be adapted to changing realities through the application and interpretation of its provisions. But the gradual erosion of the Charter through inconsistent and selective application of its provisions or persistent evasion of "inconvenient" rules could only undermine the legitimacy and credibility of the United Nations. For example, his delegation was convinced that the original rationale for the rule of "obligatory abstention" in the Security Council, as provided for in Article 27, paragraph 3, of the Charter, was still valid and that, accordingly, ways should be found to revive that rule and ensure that every member of the Council to which it applied abided by it in a consistent manner.

7. Mr. E. YAMAMOTO (Japan) said that the dramatic changes marking the end of the cold war had provided the international community with a new opportunity to create a more secure world. Yet, with those changes came new challenges: to meet them adequately, the role of the United Nations had to be reinforced and in that respect the Secretary-General's report entitled "An Agenda for Peace" (A/47/277-S/24111) provided useful guidelines. The Special Committee, as the most appropriate forum for examining and resolving issues relating to the Charter, could also make an important contribution to strengthening the Organization.

8. Improving cooperation between the United Nations and regional organizations was another important way of strengthening the Organization and, in that connection, his delegation welcomed the draft document submitted to the Special Committee on that topic (A/48/33, para. 28). It believed, however, that an even more widely acceptable version of the text should be elaborated.

9. The issue of the economic difficulties facing third States affected by the application of sanctions under Chapter VII of the Charter was an important one. In that regard, three aspects had to be carefully considered: the exact meaning of the term "affected State"; concrete measures to assist such States; and whether the United Nations had the authority to take such measures. The Special Committee was the forum best suited to find ways to assist affected States; one possibility would be to use relief organizations to provide assistance.

10. He applauded the work done by the delegation of Guatemala on the draft United Nations rules for the conciliation of disputes between States (A/48/33, para. 122). The revised text had done a great deal to narrow earlier differences on the subject.

11. The dramatic changes on the international scene had given the International Court of Justice an increasingly important role to play and consideration should be given to strengthening its operations. Japan attached great importance to the work of the Court and had contributed in 1991 and 1993 to the Trust Fund of the Secretary-General to assist States in resolving their disputes through the International Court of Justice.

12. Miss BOUM (Cameroon) said that there had been a revival of interest in the Special Committee, as evidenced by the growing number of observers participating in its work, a number which exceeded the membership of the Special Committee itself. That trend should be encouraged by simplifying the formalities for States wishing to take part in the Special Committee's work. The requests of those States should be considered as an expression of their legitimate right, as States Members of the United Nations, to participate in the Committee's activities. The procedure for appointing members to the Special Committee should also be reviewed. More democratic selection criteria would ensure a rotation based on equal participation of all the States Members of the Organization.

13. The Special Committee's report (A/48/33) showed that, despite an international climate which favoured a stronger role for the United Nations, there was still no consensus as to specific measures which should be taken in that regard. Rather, a gradual and informal approach seemed to prevail. Such a realistic approach, while not without merit, did not, however, free the Special Committee from its obligation to guide the Organization into the future and help it meet the challenges of a changing world.

14. Her delegation fully supported the draft document on the improvement of the cooperation between the United Nations and regional organizations (A/48/33, para. 28). The participation of regional organizations during the Special Committee's 1993 session had considerably enriched its discussions on that topic. Noteworthy in connection with regional cooperation was the establishment in 1992, under the auspices of the United Nations, of the Standing Advisory Committee on Security Questions in Central Africa, the subregion to which her country belonged, followed by the adoption in September 1993 of a non-aggression pact by the eleven States of the subregion. Those efforts bore witness to the determination of those States to transform central Africa into a zone of peace, security and solidarity; they formed part of a global mechanism for preventing, managing and resolving conflicts in Africa elaborated at the twenty-ninth summit meeting of the Organization of African Unity.

15. The debate in the Special Committee on assistance to third States affected by the application of sanctions under Chapter VII of the Charter had been constructive and stimulating, although it had failed to produce any concrete results. The two working papers on that matter (A/48/33, paras. 98 and 99), would most likely be combined into one, and a generally acceptable solution to that important question would certainly be found. Her delegation believed that the system of collective security provided for under Chapter VII of the Charter would be considerably strengthened if States participating in a collective undertaking had the right to assistance from other Member States.

16. Having failed to receive the attention they merited, the proposal submitted by the Libyan Arab Jamahiriya with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security (A/48/33, para. 93) and the working paper submitted by Cuba on strengthening of the role of the Organization in the maintenance of international peace and security and enhancement of its efficiency (A/48/33, para. 90) should be accorded priority at the Special Committee's next session.

17. Mr. ALBIN (Mexico) observed that at the 1993 session of the Special Committee, States with observer status had for the second time outnumbered the members. Moreover, three Latin American States with observer status - Guatemala, Uruguay and Cuba - had submitted important working papers for the Special Committee's consideration.

18. His delegation had continually advocated enlarging the Special Committee and was proud to have been able to help counter reservations and thereby reverse the rule which, during that Committee's first six years of existence, had prevented observers from participating in its work. At its seventh session, at the suggestion of its Chairman, the representative of Mexico, the Special Committee had for the first time granted observer status to States requesting it.

19. His delegation had welcomed the participation of regional organizations at the Special Committee's 1993 session. In that framework, the Secretary-General of the Organization of American States (OAS) had made a valuable contribution to clarifying legal and political aspects of cooperation between the United Nations and OAS.

20. With regard to the general debate held at the Special Committee's 1993 session, it was unfortunate that the Committee and repeatedly reflected the Organization's most conservative features. For example, paragraph 15 of the Special Committee's report (A/48/33) stated that the "idea was strongly supported that the membership of the Security Council be increased". That was only a very partial representation of the actual tenor of the debate, as evidenced by the very large number of replies by States in response to General Assembly resolution 47/62, which had invited comments on a possible review of the membership of the Security Council. Mexico, whose views on the matter were set forth in document A/48/264, believed that the question of Security Council membership should be considered by political, rather than legal, forums with general membership. It hoped that the General Assembly would establish an open-ended working group on that matter, for it was time to recognize that the issue had long ago moved beyond the limits and mandate of the Special Committee, which had been chaired by the western Group for eight sessions out of a total of eighteen, while Latin American States had held the chairmanship on only two occasions.

21. His delegation welcomed the Russian Federation's draft document on the improvement of the cooperation between the United Nations and regional organizations (A/48/33, para. 28), which had led to dynamic and constructive discussion on that topic in the Special Committee. It hoped that the observations made would be integrated into the next version of the document.

22. It also applauded Cuba for its working paper on strengthening of the role of the Organization and enhancement of its efficiency (A/48/33, para. 90). While sharing the views expressed in that paper, his delegation suggested that those issues would be better dealt with in a forum that was larger and more suited to consider such an important matter. Similar considerations applied to the proposal submitted by the Libyan Arab Jamahiriya with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security (A/48/33, para. 93).

(Mr. Albin, Mexico)

23. India and Uruguay were to be applauded for their contributions to the working papers on assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/48/33, paras. 98 and 99). The recommendation in that connection by Egypt was clear and convincing: potentially affected States should be consulted before sanctions were applied.

24. His delegation appreciated Guatemala's work on the draft United Nations rules for the conciliation of disputes between States (A/48/33, para. 122), a document which was notable for its flexible approach. It had noted with interest the valuable proposal by Sierra Leone concerning the establishment of a dispute settlement service that would be available early in a dispute and was prepared to work on that initiative at the Special Committee's next session.

25. The Secretary-General's proposal that the General Assembly should authorize him to seek advisory opinions from the International Court of Justice had gradually moved from an initially unenthusiastic reception to open debate. The statement by the Legal Counsel to the Sixth Committee during the forty-seventh session of the General Assembly had helped greatly to clarify the issue and assuage lingering doubts. Yet, it had not met with any concrete response. France had recently mentioned that the Special Committee was the appropriate forum in which to discuss that issue. Mexico hoped that the draft resolution that emerged from the current debate would reflect that orientation and that the Special Committee would, at its next session, give priority to the points made by the Legal Counsel, which had been overlooked at its 1993 session.

26. Mr. MAMEDIAROV (Azerbaijan) said it was entirely natural that, in the post-cold-war era, there should be growing interest in the work of the Special Committee and more particularly in the issue of cooperation between the United Nations and regional organizations. Those organizations were playing an increasing role in peace-keeping operations, but at the same time there had been a sharp rise in the demand for United Nations services in that field. There were many reasons for the current spread of destabilization, including an increase in the number of territorial claims and separatist movements, and in such circumstances regional organizations could provide valuable assistance to the United Nations.

27. The draft document submitted by the Russian Federation on that topic (A/48/33, para. 28) was extremely important. Since regional organizations were an integral part of the collective security system his delegation believed that the final version of the draft document should take into account not only Chapter VIII of the Charter, but also Chapters VI and VII. In that context it was important to draw attention to the ecological and humanitarian aspects of security.

28. In seeking to enhance the effectiveness of the Organization, priority should be given to ensuring that all the provisions of the Charter were implemented. Although Article 4, paragraph 1, of the Charter emphasized that membership in the United Nations was open to all peace-loving States which accepted the obligations contained in the Charter, his delegation noted with regret that certain Member States, including some of its newest Members, were neglecting to implement resolutions of the General Assembly and the Security Council.

(Mr. Mamediarov, Azerbaijan)

29. Armenia had occupied approximately 20 per cent of Azerbaijan's territory and there were about one million refugees in his country. The social and economic infrastructure of the occupied regions had been destroyed and the Nakhichevan region of Azerbaijan had been besieged for a considerable time. The cessation of hostilities and the withdrawal of occupying forces from the occupied regions had been called for in Security Council resolutions and in a statement by the Council's President. However, not only were the Security Council's decisions being ignored, but Armenia was going so far as to continue attacking and occupying Azerbaijani territory at a time when the personal representative of the Chairman-in-Office of the Conference on Security and Cooperation in Europe was in the area. That situation demonstrated all too clearly that the most severe sanctions should be applied to Member States which did not comply with the Organization's decisions.

30. In that context, the working papers on assistance to third States affected by the imposition of sanctions (A/48/33, para. 98 and 99) took on special significance. His delegation supported the provision of such assistance and welcomed the Secretary-General's recommendation that the Security Council should devise measures to protect States from such hardship (A/RES/47/120 (B)).

31. In conclusion, his delegation considered that the issue of the composition of the Security Council was highly sensitive and its implications were wider than might appear at first glance.

32. Mr. STRAUSS (Canada) said that, with the end of the cold war, the United Nations had truly begun to assume the role envisaged for it in Article 1 of the Charter, namely, to maintain international peace and security and to prevent and remove threats to the peace, in conformity with the principles of justice and international law. Unfortunately, however, the end of confrontation between East and West had not brought with it a respite from aggression; rather, the world had witnessed the rebirth of an ethnocentric nationalism which, ironically, sought to rely on the right to self-determination embodied in the Charter even as it shattered regional peace and stability. In that context, the question of the enhancement of cooperation between the United Nations and regional organizations could not be more timely. His delegation noted with satisfaction that at the Special Committee's previous session, observers from intergovernmental organizations had, for the first time, been invited to participate in discussions of that issue.

33. As an active member of several such organizations, including the Conference on Security and Cooperation in Europe (CSCE), the North Atlantic Treaty Organization (NATO) and the Organization of American States (OAS), Canada was acutely aware of the important contributions which regional organizations could make, particularly in the area of conflict avoidance. As the Secretary-General had indicated in his report entitled "An Agenda for Peace" (A/47/277-S/24111), regional organizations were in an excellent position to defuse potential armed conflicts through confidence-building measures. It was also clear, however, that regional efforts must sometimes be reinforced by universal measures which only the United Nations could adopt. His delegation advocated mutually supportive and flexible arrangements enabling regional organizations and the United Nations to achieve the optimal use of their specific expertise and increasingly scarce resources. Canada invited the Special Committee to develop

(Mr. Strauss, Canada)

a declaration of principles which could promote cooperation between the United Nations and regional organizations.

34. Another issue of growing significance related to the economic difficulties encountered by States in carrying out sanctions imposed by the Security Council. His delegation commended the work already accomplished with regard to the implementation of Article 50 of the Charter. While the creation of a voluntary fund had been suggested by some Member States, Canada believed that the matter required further study and that the Special Committee should develop an approach leading to consensus.

35. His delegation expressed appreciation to Guatemala for having prepared a revised version of the draft United Nations rules for the conciliation of disputes between States. It was to be hoped that the new draft which Guatemala would submit to the Special Committee at its next session could be adopted.

36. Drawing attention to section III of General Assembly resolution 47/120 B, in which the Assembly had decided to keep under examination the Secretary-General's recommendations concerning the International Court of Justice, he reaffirmed his delegation's view that the Sixth Committee should examine those proposals closely, as they could provide useful additional means of dispute settlement. In general, the Sixth Committee should continue to examine all the recommendations contained in "An Agenda for Peace".

37. With regard to the proposed reforms of the Security Council, his delegation emphasized the need for the Council's membership to better reflect current realities, while preserving its cohesion and effectiveness, as well as the need for greater transparency and openness in the Council's work.

AGENDA ITEM 140: MEASURES TO ELIMINATE INTERNATIONAL TERRORISM (A/48/267 and Corr.1 and Add.1, A/48/225-S/26009, A/48/291-S/26242 and A/48/314-S/26304).

38. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the report of the Secretary-General on the item (A/48/267 and Corr.1 and Add.1), said that it had been prepared pursuant to paragraphs 12, 13 and 14 of General Assembly resolution 46/51. Part II of the report, which contained the replies received from Governments pursuant to the requests made by the Assembly in paragraphs 12 and 13 of the aforesaid resolution, showed that, while Member States might differ with regard to the approach to be taken to future work on the item, they unanimously and unequivocally condemned all acts, methods and practices of terrorism. Part III contained the replies received from international organizations describing the activities which they were carrying out with a view to enhancing public security in their respective spheres of competence. The report also contained an annex indicating the status, as at 22 June 1993, of international conventions relating to various aspects of the problem of international terrorism. In that connection, it should be noted that Antigua and Barbuda had acceded on 19 July 1993 to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and that Bosnia and Herzegovina had acceded on 1 September 1993 to that Convention and to the International Convention against the Taking of Hostages.

(Mr. Fleischhauer)

39. Since 1991, when the Committee had last considered the item, two more antiterrorism instruments had entered into force, namely, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. Furthermore, the number of parties to the various conventions listed in the annex was steadily increasing; that was yet another indication of the international community's resolve to eliminate terrorism.

40. Mr. DEREYMAEKER (Belgium), speaking on behalf of the European Community and its member States, said that the Community endorsed resolution 46/51, in which the Assembly had once again unequivocally condemned, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed. That resolution had sent a clear and unanimous message, namely, that terrorist violence was unacceptable under all forms and circumstances, regardless of the legitimacy of the political, religious, social or cultural aims sought by the perpetrators.

41. Since the General Assembly's previous discussion of the item in 1991, the hostages held in Lebanon, many of whom had been nationals of Community countries, had been freed. The European Community and its member States expressed their gratitude to the Secretary-General and to his predecessor, Mr. Pérez de Cuéllar, for their tireless efforts to win freedom for the hostages.

42. Nevertheless, in many parts of the world, tourists, members of non-governmental organizations, staff members of the United Nations and other persons continued to be kidnapped and unjustly deprived of their liberty. The States on whose behalf he spoke demanded that all persons held in violation of the rules of international law be released immediately, unconditionally and in a safe manner.

43. Moreover, there had recently been an alarming resurgence in terrorism throughout the world, characterized by bomb attacks against urban centres, the use of car bombs and political assassinations. Such acts were a cruel reminder that no country or continent and no international organization was safe from terrorist attacks.

44. Terrorist acts not only endangered and destroyed human lives; they also had a destabilizing effect on relations among States. The European Community and its member States reaffirmed their readiness to cooperate with all States in combating the plague of terrorism by constructive means. Unfortunately, terrorist acts were sometimes made possible by the active or passive support of States. It was essential, therefore, that States should refrain from supporting or harbouring terrorist movements or individuals who resorted to terrorism. The Community and its member States once again emphasized the importance which they attached to compliance by the Libyan Arab Jamahiriya with Security Council resolutions 731 (1992) and 748 (1992), and expressed the hope that the Libyan Arab Jamahiriya would respond rapidly, and in a satisfactory manner, to the requests made in those resolutions, so that a process leading to the lifting of sanctions could begin.

(Mr. Dereymaeker, Belgium)

45. The best means of combating terrorism was to adopt an approach which avoided generalities and focused on specific terrorist acts. States should continue to strengthen their cooperation through international judicial assistance and exchanges of information, so as to enable Governments to prevent terrorist acts, apprehend the suspected perpetrators and prosecute or extradite them. In the Treaty on European Union, which would enter into force in the near future, police cooperation for the prevention of terrorism was considered to be a matter of common interest.

46. The delegations on whose behalf he spoke welcomed the fact that the number of parties to the international conventions relating to international terrorism was increasing, and supported the appeal made in paragraph 5 of General Assembly resolution 46/51 to all States that had not yet done so to consider becoming party to those instruments.

47. Lastly, the European Community and its member States wished to reaffirm their opposition to the notion of an international conference to define international terrorism, as referred to in paragraph 12 of resolution 46/51.

48. Mr. AHMAD (India) said that his country had lost one prime minister, one former Prime Minister and thousands of innocent civilians as a result of acts of terrorism and was therefore well-placed to stress the urgent need for international action to suppress such criminal practices. It was regrettable that although an item on international terrorism had been on the agenda of the General Assembly for more than 20 years, no comprehensive international convention on the elimination of terrorism had been concluded, for the conventions dealing with specific aspects of international terrorism could not deal adequately with the problem.

49. The nexus between drug traffickers and international terrorists magnified the problem, particularly when they enjoyed the protection and assistance of a State. Indeed, State-sponsored terrorism of any kind was extremely serious. India itself possessed incontrovertible evidence that terrorists in India were receiving assistance from across the border, thus violating human rights and threatening international peace and security. It would be useful tc adopt a binding and enforceable convention which would re-emphasize the fact that international law prohibited not only acts of international terrorism but also the encouragement and sponsorship of such acts and the provision of support for overt or covert acts aimed at interfering in the internal affairs of another country.

50. One way to combat international terrorism was for States to share information regarding terrorists and assist each other in arresting, extraditing and prosecuting them. India was involved in a number of initiatives and actions undertaken to that end at the international, regional and bilateral levels.

51. His delegation believed that international cooperation for the protection of human rights could succeed only if it was undertaken in the framework of respect for the sovereignty and integrity of States and of a vigorous global antiterrorist programme. Accordingly, it would consult with the other members

(Mr. Ahmad, India)

of the Committee with a view to drafting an appropriate resolution on the subject.

52. Mr. CALERO RODRIGUES (Brazil) said that at the current session of the General Assembly there seemed to be a broad consensus on the condemnation of terrorism. Although in certain cases under certain circumstances terrorism might be linked to political and socio-economic conditions, that connection should not be invoked as a justification for actions that were inherently evil.

53. Although his delegation understood why there were calls for a general convention on terrorism, it was not convinced that the time was ripe to take that step. Some progress in combating terrorism had been made by proceeding gradually and it would be more useful to work towards a more complete application of existing instruments and to develop new ones as the need arose. Unity in the fight against terrorism was crucial.

54. Mr. MOTSYK (Ukraine) said that his country unequivocally condemned all forms of terrorism and fully endorsed the principles laid down in General Assembly resolution 46/51. In particular, his delegation greatly deplored the terrorist bombing of the World Trade Center in New York and the alleged plot to blow up United Nations Headquarters, as well as the terrorist acts committed almost on a daily basis in South Africa, as a result of which, in July 1993, a number of Ukrainian sailors had lost their lives.

55. His delegation called for the unconditional release of all hostages and, in particular, for the release of a Ukrainian citizen captured by the National Union for the Total Independence of Angola (UNITA) in 1992. It should also be noted that a number of Ukrainians were still being detained as virtual hostages in the territory of Afghanistan. His Government appealed to the Government of Afghanistan for help in bringing about their release.

56. Since terrorism knew no borders, it was extremely important for the antiterrorism measures taken by individual States to be enhanced through international and regional cooperation.

57. Another important factor in the fight against terrorism was the broadest possible accession by States to the relevant international conventions. Ukraine was a party to most of those conventions, and their provisions were reflected in its legislation. His Government was currently studying the possibility of acceding to the international conventions on terrorism to which it was not yet a party, including the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf and the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

58. Ukraine welcomed the inclusion in the Secretary-General's report (A/48/267) of information received from international organizations, as there were gaps in the international legal framework which remained to be filled.

59. His delegation believed that the annual consideration by the General Assembly of the item in question, and the renewal of the mandate of the Ad Hoc

(Mr. Motsyk, Ukraine)

Committee on International Terrorism, would further strengthen the international community's efforts to eradicate terrorism.

60. Mr. HALLAK (Syrian Arab Republic) renewed his country's call for internationally agreed criteria to differentiate clearly between terrorism, which must be condemned and combated, and national struggles against foreign occupation, to which protection and support should be given. His country reiterated its condemnation of all terrorist acts, methods and practices as criminal acts, and called for true cooperation between all States in the framework of international legitimacy with a view to taking the necessary measures to prevent and combat the occurrence of terrorism and eliminate its causes. His country also reiterated its support for the convening, under the auspices of the United Nations, of an international conference to define terrorism and differentiate it from the struggle of peoples for national liberation, and to study the underlying causes of terrorism and propose solutions. The cooperation of all States would be required, irrespective of their political regimes, level of development and economic potential. Sound preparation would also be an important factor in the success of such a conference.

61. The Syrian Arab Republic had also welcomed the historic General Assembly resolution 42/159, which took a step forward by expanding and encouraging the establishment of effective cooperation to combat terrorism in the framework of international legitimacy and on the basis of the principles contained in paragraph 14 thereof, which derived from the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation between States. Lastly, he stressed the need to revive the former Ad Hoc Committee on International Terrorism.

62. Mr. ODEVALL (Sweden), speaking on behalf of the Nordic countries, welcomed the recent developments in the Middle East, which demonstrated the advantages of peaceful, diplomatic solutions as opposed to terrorism and violence. Terrorism emanated from many sources and it was important that all States should remember that their primary responsibility was to implement measures that avoided fomenting violence, since the condoning of such acts by State authorities constituted an incitement to terrorism. The Nordic countries fully endorsed the statement made earlier in the meeting by the representative of Belgium on behalf of the European Community.

63. The Nordic countries had consistently taken a pragmatic approach to the item on international terrorism and therefore opposed the idea of convening an international conference on terrorism, mentioned in paragraph 12 of General Assembly resolution 46/51, since that might give the impression that the existing rules were not sufficient. Acts of terrorism were already punishable under existing national and international rules; the problem was that not all States were prepared to combat terrorism. The most fruitful approach would be to enhance adherence to existing international agreements aimed at preventing international terrorism and applying sanctions against the perpetrators. New instruments along the same specific lines as excising ones could be created. Unfortunately, the political will to implement existing conventions was lacking.

64. Mr. FSADNI (Malta) said that the threat of international terrorism to the entire international community required a collective response from the peoples of the United Nations, who according to the Charter, were "to practice tolerance and live together in peace". Measures taken by individual States to combat terrorism should be enhanced through the increased cooperation of the international community. An important feature of that cooperation was the growth in the number of States parties to the main international conventions dealing with the issue. Malta had acceded to a number of those conventions and its Government would continue its review of the remaining conventions with a view to acceding to them.

AGENDA ITEM 141: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

65. The CHAIRMAN said that if she heard no objection, she would take it that the Sixth Committee wished to elect Mr. Al-Suwaidi of the United Arab Emirates as Chairman of the Working Group under item 141.

66. It was so decided.

The meeting rose at 12.15 p.m.